

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Rebecca Ho	Team: Squad #3	CCRB Case #: 201500811	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Tuesday, 02/03/2015 9:15 PM	Location of Incident: inside the 44th Precinct stationhouse	Precinct: 44	18 Mo. SOL 8/3/2016	EO SOL 8/3/2016	
Date/Time CV Reported Wed, 02/04/2015 12:34 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Wed, 02/04/2015 12:34 PM		
<b>Complainant/Victim</b>	<b>Type</b>	<b>Home Address</b>			
<b>Witness(es)</b>	<b>Home Address</b>				
<b>Subject Officer(s)</b>	<b>Shield</b>	<b>TaxID</b>	<b>Command</b>		
1. POM Bryan Ortiz	21015	945272	044 PCT		
<b>Officer(s)</b>	<b>Allegation</b>			<b>Investigator Recommendation</b>	
A.POM Bryan Ortiz	Abuse: PO Bryan Ortiz threatened to arrest § 87(2)(b)				

### Case Summary

On February 3, 2015, at approximately 9:15 p.m., § 87(2)(b) went to the 44<sup>th</sup> Precinct stationhouse after she received a call from arresting officer PO Bryan Ortiz, to pick up her teenage daughter, § 87(2)(b). § 87(2)(b) has gotten into trouble at school numerous times in the past and PO Ortiz often handles the arrests. Subsequently, § 87(2)(b) and PO Ortiz had a conversation in the complaint-intake room of the stationhouse, where § 87(2)(b) alleged PO Ortiz said to § 87(2)(b) that if she got in trouble again, he would lock up § 87(2)(b) (**Allegation A**). § 87(2)(b) was not arrested or summonsed as a result of this incident (complaint encl. 3, CCRB statement encl. 4a-e).

### Mediation, Civil and Criminal Conviction Histories

- § 87(2)(b) rejected mediation § 87(2)(b)
- On February 20, 2015, a request to determine if a Notice of Claim was filed was submitted; confirmation from the Office of the Comptroller will be forwarded upon receipt.
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

### Civilian and Officer CCRB Histories

- This is the first CCRB complaint filed by § 87(2)(b) (encl. 2).
- PO Bryan Ortiz has been a member of the service for 7 years and there are no substantiated CCRB allegations against him (encl. 1).

### Finding and Recommendations

#### Explanation of Subject Officer Identification

- § 87(2)(b) provided PO Ortiz's name in filing her complaint with the CCRB and PO Ortiz acknowledged his role in the incident § 87(2)(g)

#### Recommendations

- **Allegation A – Abuse of Authority: PO Bryan Ortiz threatened to arrest § 87(2)(b)**

PO Ortiz stated he had had a conversation with § 87(2)(b) prior to § 87(2)(b) being present, in which § 87(2)(b) asked PO Ortiz to help set her daughter straight. They devised a plan which § 87(2)(b) agreed to, that PO Ortiz would tell § 87(2)(b) if she got into trouble again, § 87(2)(b) would be arrested for her lack of parental supervision. However, PO Ortiz explained it was an empty threat, that he never had the intention to arrest § 87(2)(b) and that that had been made clear to § 87(2)(b) earlier. When PO Ortiz made the threat to § 87(2)(b) in § 87(2)(b) presence, § 87(2)(b) did not react negatively to it.

§ 87(2)(b) adamantly denied having a conversation with PO Ortiz prior to her daughter being present, in which she agreed to being threatened to be placed under arrest as a ploy to get § 87(2)(b) to stay out of trouble. § 87(2)(b) stated she was surprised by his threat to arrest her.

It was determined in *PD v. Seligson* that making a threat to a civilian with a baseless arrest constitutes misconduct (encl. 0a-j).

It is undisputed that PO Ortiz threatened to arrest § 87(2)(b) § 87(2)(g)

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§ 87(2)(b) § 87(2)(g)

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Pod:   3  

Investigator: \_\_\_\_\_ Rebecca Ho 2/23/2015  
Signature Print Date

Supervisor: \_\_\_\_\_  
Title/Signature Print Date

Reviewer: \_\_\_\_\_  
Title/Signature Print Date

Reviewer: \_\_\_\_\_  
Title/Signature Print Date